16

G. R. S. IX-5]

Previous references.

57-14-(1-8)

1918.

(Confl)

File No. 146-18

Serial Nos. 1-3

Later references.

do 136-32-5.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

Part B for ~~April~~ March 19

SUBJECT.

Over detention of prisoner Amrapha Chetti in B.C. jail owing to non-intimation in time of the release of the prisoner by the Police of Manjeshwar and Magistrate Mudigere

---

31 To The D. M. Kadur

G 20934 dt 20-3-19

Passes orders in regard to the Conduct of the Amildar Mapte and other Officials of the Mudigere Taluk in connection with the over detention of the prisoner.

Mgl 28

30/4

W D 1250—GPB—30,000-25-1-19

(For Disposal at a Meeting)

No. C. 550.

16:1:1919

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause v of the Schedule)

Reduction of the Amildar Magistrate of Mudigere from Amildari to Deputy Amildari, in connection with certain derelictions in his magisterial duties.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaramayya

17th Jany. 1919.

Chief *Secretary to Government.*

Extraordinary Member of Council.

First Member of Council. Opinion recorded 21-1-19

Second Member of Council. 25.1.19

Temporary Member of Council.

GPB—1,000—11-5-17

8221

G.R.S. II[illegible] 191 8.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 146-18

FILE HEADING.

Overdetention of the prisoner Annapoorachari in the Bangalore Central Jail owing to the non-intimation in time of the Realisation of fine by the Police of Manjarabad & the magistracy of Investigation.

From

The Dt. magistrate, Kadur Dt.

No. J. C 8 Dated 20-12-18 Received 23-12-18

Diary No. 8221	Enclos. one file Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States the facts of the case, forwards the file of Records connected with the case & the explanation of the Amildar magistrate & clerk Hanumanthappa & Srinivasa Rao & adds that their explanations are not satisfactory.

NOTES AND ORDERS.

1) The facts of the case are stated fully in the Dt. magistrate's letter. Annapoorachari was convicted & sentenced by the Amildar magistrate of Manjarabad to four months rigorous imprisonment and to a fine of

Notes—First Sheet.

GPB—30,000—12-5-11

G. R. S. 111-2]

General and Revenue Secretariat. | Cb File No. 11,6 of 1918.

Serial No.

Rs 50/ on default to 1 month's rigorous imprisonment. The sentence was passed on 5-11-1917 so the prisoner was entitled to be released on 4-3-1918 on Bail. The substantive sentence of fine was Bail the realization of the fine was not intimated to the Jail or so the ~~said~~ was been overdetention for the additional period of 1 month 2) The fine was recovered by the Police of the Manjoralad Taluk on 12-2-18 & ~~returned~~ the warrant was returned to the Amildar magte. thro the Dt. magistrate. The Amildar has received it on 7-3-1918. The warrant has been returned by the ~~Inspector~~ D.S.P Mrly. on 13-2-18.

R.V.

R 1 required by the G.O. No. J. No 35 — 44 - Cb 74-18-8 & 5-1-19 the substantive sentence was not been stated in the warrant nor the name of the Jail was been mentioned. So the Police

NOTE—Contn. sheet.

General and Revenue Secretariat. | C/ File No. 146 of 1918.

Serial No.

This omission was due to the then Judicial Amaldar Ramamanthaya and the Amildar failed to notice the omission.

4) As. to the Rule of Practice (vide page 84 of Crim. Digest) on the levy of the fine it shall be the duty of the Head clerk of the court to give immediate information of the same to the magistrate who shall at once give information to the Jail.

5) There has been first delay in the intimation of the fact of the realisation of the fine to the Amildar magistrate Even if the Amildar had informed the Jail officer On the 7th. march the prisoner would not have been detained for 1 month. Clerk Srinivasa Rao states that he did not see the necessity of giving information as the substantive sentence was not named in the warrant

P. T. O

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-19—S.

8221

S-1

G. R. S. III-2]

General and Revenue Secretariat. | C. File No. 166 of 1918.

Serial No.

1) The fine was recovered by the Police on Kambali 12-2-18, credited to the Treasury on 13-2-18 & the warrant returned to the Office of the D.S.P on 16-2-18 where it was received on 18-2-18. It was sent from there on 23-2-18 through the Dt. magte. Kadur.

2) It is stated by the Police Inspector of Manjarabad that the intimation to the Amildar dated on 16-2-18. But the Amildar says that there is no reference in his office to show its receipt.

3) It is not clear who is particularly responsible for this delay in the intimation of the realisation of the fine to the Amildar

Subd. for orders

86
28/12

9) Annappachari, the accused ought to have been released on 4-3-1918. He was however detained for one more month.

NOTE—Contn. sheet.

WD A 1799—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 166 of 1918.

Serial No.

for failing to pay the fine imposed upon him by the Amildar Magte of Mudgere when as a matter of fact it had actually been recovered from his wife on 12.2.18 by the Manjarabad Taluk Police. The ₹ amount was credited into the Taluk Treasury the next day. Thus there was no delay on the part of the Sakleshpur Police
10) The D.S.P. of Hassan gave intimation of the recovery of the fine to the Dist Magte of Hassan on 23.2.18. This Communication was ~~received~~ received & despatched from the office of the latter officer on 25.2.18 & 1.3.18 respectively
11) The Dist Magte of Kadur forwarded the intimation on 4.3.18. But it was actually received by the Amildar Magte of Mudgere on 7.3.18. And there it remi

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-1

Serial No.

unheeded.

2) The intimation remained in the offices of the D.S.P & Dy. Commr of Bastar for a short time more than it actually need have. The same might also be said of Dy. Commr of Kadur. But then they did ~~know~~ not know that the matter was so urgent.

3) The Amildar Magte. (Mr. G. Narayanaiya) did not make out his warrant in accordance with the standing orders of the Govt & the Chief Court. He ~~was~~ did not also intimate to the Jail Supdt that the fine had been recovered though it is incumbent upon him to do so without delay. His explanation that in his multifarious work he overlooked the omission in the fine warrant &

XII V.

WD A 1789—GPB—60,000—20-3-

G. R. S. III-2]

General and Revenue Secretariat. | 45 File No. 166 of 1918.

Serial No.

failed to give intimation to the Jail authorities is hardly worth serious consideration. The omission is very serious & he ought to be suitably punished for it.

14) The explanations of Clerks Hanumanthappa & Srinivas Rao are also unsatisfactory & they must also come in, though in a smaller degree, for their share of the punishment.

G.P.B.K.
3.1.19

Chief Secy)

15) The Amildar ought also to be severely censured & his promotion stopped for 6 months at least. He is in the last grade of Amildars & is not likely to get promotion soon - he may be put down 5 places or reverted as Dy Asst for three months.

16) Jud Sumasta Hanumanthappa whose initial negligence gave rise to this irregularity ought to be dismissed. Jud Sumasta Srinivas

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S

8221.

G. R. S. III-2j

General and Revenue Secretariat. | C5 File No. 166 of 1918

Serial No.

Rao ought to have seen immediately on the return of the Warrant whether any further action was necessary also deserves dismissal.

17) Unless stringent action is taken in a few cases of this kind such irregularities cannot be avoided -

Temp. Member) CSM 7/1/19

2561/9.1.19

GMM 8.1.19

(4) I quite agree. Unless notice is taken of the conduct of the officers responsible for the delay, there is no use of ordering the auction proceedings for a period of 3 months. He should be permanently reduced to Deputy Tahsildar & the Rao Sahib should be dismissed from Service.

10/1/19

3

(5) Reduction of amildar to Tahsildar Council matter. May be discussed in Council -

Dewan 7/1/19 15.1 CSM 9/1/19

3848/13.1.19.

Circulate CSM 13/1/19 GMM 11.1.19

NOTE—Contn. sheet.

C. 550

WD 1233—GPB—60,000—1-12-16—S.

General and Revenue Secretariat. | C5 File No. 46 of 1918.

Serial No.

10) There are several points worthnoting in this case:-

(i) Though the conviction by the Amildar Magistrate of Mudgere was on the 5th November 1917, the warrant for the recovery of the fine was only issued on the 15th December following. It is advisable, especially where the term of substantive sentence is comparatively short, say less than six months, to issue the fine levy warrant to the Police simultaneously with the imprisonment warrant to the Jail or Lock-up.

(ii) Particulars of the substantive sentence were omitted to be entered in the warrant for the levy of fine, as required by the Standing Order. It is not easy to say how far this particular omission may have contributed to the delay in executing the warrant.

(iii) As a matter of fact the fine was recovered and credited to the Treasury by the Manjarabad Police on 13th February 1918; but owing to the circumlocutory procedure adopted, intimation of ~~execution~~ recovery only reached the Amildar Magistrate of Mudgere on 7th March 1918, three days after the expiry of the substantive term of imprisonment. This part of the delay was contributed to by every one of the

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

Serial No.

Officers through whose hands the intimation passed, Viz.,

	Date of despatch.
The Superintendent of Police Hassan District.	23rd February 18
The District Magistrate, Hassan.	28th February 18
The District Magistrate, Kadur.	6th March 1918.

The procedure in vogue is obviously faulty and must be simplified, by requiring that warrants of the kind should be returned direct to the convicting Court instead of passing through the hands of a number of District Magistrates and other intermediate authorities.

(iv) Even then, the prisoner might have been saved the undergoing of the rest of the months additional imprisonment, had the Amildar Magistrate sent prompt intimation to the Bangalore Central Jail of the fact of the recovery of the fine. But, instead of doing this, he and the Police began to carry on routine correspondence on what may be called a side-issue, with the result that no intimation was (judging from the records) ever sent to the Jail Superintendent, and the prisoner underwent the additional term and was only released from Jail on the 4th April 1918.

(v) The delays and omissions in the -

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | C/ File No. 166 of 191 7.

Serial No.

earlier stages may perhaps be condoned; but the neglect to send intimation of the levy of the fine to the Jail Superintendent can hardly be excused, and the person primarily responsible therefor is the Amildar Magistrate Mr. G. Naranaiya

21) The question of the notice to be taken may, as proposed, be considered in Council.

M Chandrasekhara
21-1-19.

NOTE—Contn. sheet.

C. 550 13

Extract from the Proceedings of the 477th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 6th February 19 19

9. Subject.-Clause v of the Schedule.

(11) Reduction of the Amildar Magistrate of Mudgere from Amildari to Deputy Amildari, in connection with certain derelictions in hi magisterial duties.

Opinion of the Council.

12) The Amildar may be severely censured and his promotion to the next higher grade of Amildars may be deferred for six months when it falls due.

13) The Taluk clerk who dealt with the correspondence when the warrant was returned after recovery of fine may be suitably fined

14) Action may be taken on the lines of the First Member's note on the general question of minimising round-about correspondence in such matters.

Sd. A.R.Banerji,

Offg. Dewan.

"EXTRACT"

C S Balasundaram

Chief Secretary to Government.

WD 1233—GPB—60,000—1-12-16—S.

14

G. R. S. III-2]

General and Revenue Secretariat.

cl. File No. 166 of 1918.

Serial No.

25) To the Assistant Secretary, Branch III (Protection) for kindly submitting the file to the First Member of Council with a draft Final Note.

CDS
7/2

26) Please put up a draft
DM.
8/2

27) Submitted with DFN & DSN.
AM
11/2

28) Draft note submitted
DM.
11/2

985
11.2.19

I Member

29) Final Note signed by the member is placed on the file.

DM
15-2-19

30) Draft sent

DSN sent
also

Devan
CDS
14/2/19
DM.
17/2

NOTE—Contn. sheet.

FINAL NOTE BY THE FIRST MEMBER OF COUNCIL.

SUBJECT: Notice to be taken of the conduct of the Amildar-Magte and other officials of the Mudgere Taluk responsible for the over-detention of a prisoner in the Central Jail, Bangalore.

---

a. One Annappachari, accused in Crl. Case. No. 54 of 17-18 on the file of the Amildar Magistrate, Mudgere Taluk, was on 5th November 1917 convicted under Sections 457 and 380 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for four months and to pay a fine of Rs. 50 and in default to undergo additional rigorous imprisonment for one month. The accused was sent to the Central Jail, Bangalore, for undergoing the sentence.

32 2. On 15th December 1917 a warrant for the recovery of the fine was issued by the Amildar Magistrate, and forwarded for execution -- through the District Magistrate, Hassan, as the accused belonged to Haradi, Manjarabad Taluk. The warrant did not however specify the particulars of the substantive sentence and the name of the Jail in which the prisoner was confined, as required by Government Order No. J. 2035-44 Cts. 7-14-8 dated 5th January 1915.

33 3. The fine was recovered by the Manjarabad Taluk Police on 12th February 1918 from the wife of the prisoner, and credited to the Taluk Treasury on the following day. But owing to a circumlocutory procedure, apparently in vogue in the Districts, the warrant was returned through the District Magistrates of Hassan and Kadur, with the result that it reached the Amildar of Mudgere so late as the 7th March 1918, i.e. three days after the expiry of the substantive sentence passed on the prisoner. Intimation of the recovery of the fine was not however sent to the Superintendent, Central Jail, with the conse-

quence

consequence that the prisoner unnecessarily suffered the whole of the additional imprisonment of one month, and was only released on the 4th April 1918.

4. As regards the omission to specify the particulars of the substantive sentence in the fine levy warrant, judicial gumasta Hanumantha Rao, who prepared the warrant, represents that he was not aware of the Standing Orders on the subject. The explanation is not an acceptable one;but it cannot be said that this particular omission contributed to the over-detention of the prisoner, seeing that the fine itself was recovered nearly three weeks before the expiry of the substantive sentence.

5. Sreenivasa Rao, the Gumastha who received the warrant after its return, ought to have seen to the necessity for giving intimation to the Jail authorities of the fact of the levy of the fine. His explanation that he was misled by the omission of parti-culars in the warrant cannot be accepted, because it was his duty to look up the original records themselves in all such cases. Some notice has therefore to be taken of his neglect of duty.

6. The person primarily responsible for the omissions which led to the over-detention is the Amildar Magistrate Mr.G.Naranayya. As the presiding Officer of the Court, he should have seen that warrants were prepared correctly and issued in time, and that recoveries of fines were duly intimated to the Jail authorities concerned. In the present case, he could have given intimation of the recovery of the fine on the 7th March 1918 and obviated the further detention of the prisoner. His explanation that amidst his multifarious duties he was unable to notice the omission in the warrant is inadequate and unsatisfactory.

7. The question of the notice to be taken of the conduct of the officials concerned was considered at the meeting of the Council held on 6th February 1919. The opinion of the Council as embodied

embodied in the accompanying resolution, is that the Amildar-Mahalkari may be severely censured and his promotion to the next higher grade of Amildars may be deferred for six months when it falls due, that the Taluk clerk who dealt with the correspondence when the warrant was returned after recovery of fine may be suitably fined, and that action may be taken on the lines of my note in the file on the general question of minimising round-about correspondence in such matters.

8. The opinion of the Council may be graciously approved.

H. Chandrachud

15th February 1919. Offg. First Member of Council.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the notice to be taken of the conduct of the Amildar Magistrate, and other officials of the Mudigere Taluk, in connection with the overdetention of a prisoner in Jail, *for His Highness' gracious approval.*

Dewan.

21 2 19

C. 550 19

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Action to be taken of the conduct of the Amildar, Magistrate and other officials of the Mudigere Taluk, in connection with the over-detention of a prisoner in Jail.

No. 60
21. 2. 19.

Order.

40

22. 2. 19.

4851-275
25. 2. 19

Recd
26. 2. 19

Rer seen 42
24. 2
courtesy Rept.
42. Draft
24/2/19
42. Let me see draft - (illegible)
(illegible) 25/2/19

8721

G. R. S. III-2j

General and Revenue Secretariat. | Cl. File No. 166 of 1918.

Serial No.	
	43 Secretariat. 2 drafts.
	86 44. Submitted for approval
	3/3.
	Asst. 43 I Member)
	7/11 10.3.19.
	Approved 11/3/19
	To Registrar Chief Court
2	" Dist. Magistrate Ludhiana
	" Dy. Commissioner Ferozepore
	Q 20922-31 of 20-3-19
	Copy of order containing instructions for minimising the correspondence in the matter recovery of fine in case of persons declared to suffer imprisonment in default
	To
3	The D. C. Kaithal
	Q 20934 of 20-3-19
	Copy of orders in regard to [illegible] of the Contract of the Builders employed and also of the Mudgere of the Maddagere Darkhast in connection with the over retention of persons Attached

B 16/4

NOTE—Contn. sheet.

Office of the District Magistrate,

Kadur District.

Dated Chikmagalur, 20th December 1918.

From

C.Devaraj Urs, Esq.,

District Magistrate,

Kadur District.

To

C.S.Balasundaram Iyer, Esq., B.A.,

Chief Secretary to the Government of Mysore,

Bangalore.

98221.

05

1146-18

1

Sir,

I have the honour to report that a case of over-detention of the prisoner Annappachari in the Central Jail at Bangalore owing to the non-intimation to the Jail in time of the realization of fine,

2. The facts of the case are as follows:-

(1) Annappachari accused in criminal case No.54 of 1917-18 on the file of the Amildar Magistrate of the Mudigere taluk was, on the 5th November 1917, convicted and sentenced to suffer rigorous imprisonment for four months and to pay a fine of Rs.50/- and in default to undergo additional rigorous imprisonment for one month for offences under sections 457 and 380 of the Indian Penal Code.

(2) The prisoner was sent to the Central Jail, Bangalore with a warrant of imprisonment for undergoing the sentence and a note that the fine was not recovered was also made thereon.

(3) Subsequently, i.e., on the 15th December 1917, -- a warrant for the recovery of the fine was also issued by the Amildar Magistrate of Mudigere and the same was forwarded through the District Magistrate of Hassan, for execution as the accused was a resident of Huradi village of the Manjarabad taluk. In the fine warrant thus issued, the particulars of the substantive sentence and the name of the Jail in which the prisoner was confined, were not entered

W.D. C241—GPB—6,00,000—19-5-16—S.

18368

1918

From The District Magistrate
Kadur District

To The Chief Secretary
to the Government of Mysore
Bangalore

Dated 20th December 1918

Despatched

Received

General No. 7 C 8
No. 15-19

Enclosure No. one file.

Submits a report that a case of overdetention of the prisoner Annappachari in the central jail at Bangalore owing to the non-intimation to the jail in time of the realization of fine.

D.S.
Mr 23/12/18
-4-10

23 DEC 1918

entered by the Taluk Magistrate as per Government Order No.J.2035-44/Cts.7-14-8 dated the 5th January 1915.

(4) The Police of the Manjarabad taluk, having recovered the fine amount of Rs.50/- on the 12th February 1918 from the wife of the prisoner credited the same to the Taluk Treasury on the following day and returned the warrant to the Amildar Magistrate through the District Magistrate and the same was received by the Amildar Magistrate on the 7th March 1918. Even then the intimation of the recovery of the fine was not sent to the Jail authorities. The prisoner not only suffered the substantive sentence which expired on the 4th March 1918, but was also made to undergo the additional imprisonment awarded in default of payment of fine.

(5) The Police Inspector of Manjarabad in his report No.158 dated 2nd October 1918, to the Amildar Magistrate of Mudigere states that intimation of the recovery of the fine was given to him (Amildar) direct, in his report No.16 dated 14th February 1918, but the latter states that there is no reference in his office to show its receipt.

(6) The Amildar Magistrate states in his explanation that he was unable to notice the omission in the warrant in his multifarious work and that the fine warrant was sent more than a month after the sentence was passed. As this is one of the most -- important portion of the duties, his explanation regarding the omission cannot be accepted as satisfactory.

(7) The explanation of the then clerk Hanumanthappa, namely that he was not aware of the Government Order referred to, is not satisfactory.

(8) The clerk K.Srinivasa Rao who was looking after the duties when the fine warrant was received states that as the nature of the substantive sentence had not been noted in the warrant he did not see the necessity of giving intimation to the Jail authorities. This explanation is also not acceptable as it was his duty to have looked into the register or the record when filing the

warrant

warrant.

3. The file of records connected with the case is herewith submitted for reference and the favour of return when no longer required.

I have the honour to be,

Sir,

Your most obedient servant,

Treasury Assistant Commissioner,

For District Magistrate,

Kadur District.

(Absent from station).

D.S.R.

2 drafts

G.R.S. VI-71]

SUBJECT..... minimising The Round about correspondence in the matter of Recovery of fine in case of prisoners Sentenced to suffer additional imprisonment in default.

Diary No. of letter replied to.....

Section CC

File No. 146-18

Serial No. 2

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

, the *191* .

Date of issue..... 20.2.19 *Read.*—

Signed by..... W.C. Pm

Subordinates

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Ans 4/3

G 20922-31

Order Thereon:— No.

Instances ~~the has~~ have come to the notice of Govt. of undue ~~that~~ delays ~~the~~ Courts ~~in~~ giving intimation to the Jail authorities in the matter of

over.

R 1/3/19

the recovery of fine in cases where

~~in the case of~~ prisoners are

sentenced to suffer

additional imprisonment

in default of payment

of fine. ~~He is thereby~~ ~~He is thereby~~ There is reason to think that such

~~both parties~~, due to delay is in great part

the circumlocutory

procedure, now in vogue, as to the warrant

~~of passing~~ in ~~time~~ for the levy of fine has

levy warrants ~~lost~~ to pass through the hands of

~~the hands of~~ a number

of Dt. magistrates

and other intermediate

authorities in cases

where the prisoner

belongs to a place

outside the jurisdiction

of the issuing magistrate issuing the warrants

2. ~~He Govt~~, With a

view to prevent

such delays, direct

That where the term

List of enclosures.

Copied by

Examined by

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Of subordinate sentence to ~~comparatively~~ short, less than six months ~~for example~~ be made, the fine levied by the Police invariably warrant shall bear ~~to the Police~~ similar ~~nearly~~ with the imprisonment warrant to the jail or ~~lock up~~ concerned ~~They memorandum Said~~ ~~is all cases~~ and ~~function direct~~ that the fine warrant ~~shall on execution~~ be returned direct to the convicting Court after execution.

11/3/28

D.M. 9/3

Chief Secy. Govt.

20

The Regr., chief Court with a cover letter

The Magistrate of

Dt. J. G. of Police

867 8/3 Appd 4/3

2 drafts

74

G.R.S. VI-71]

SUBJECT... Duties of the conduct of the Bombay Magistrate & other Officials of the Bombay Police in connection with the over detention of a prisoner

Diary No. of letter replied to.....

Section 65
File No. 146-18
Serial No. 3

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

, the *191* .

Date of issue 20.3.19

Signed by W.C.

Read.— Letter No. J. C. 8/1919 dt 20-12-1918 from the Dt. Magistrate, Kadur Dt. reporting a case of over detention of a prisoner in the Central Jail, Bangalore owing to the non intimation to the Jail, in time, of the (imposition or) realisation of the fine.

Order No.

Sri Annapoorneshwari

over.

ay this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Order Thereon:— No.

OK/ PS

accused in Crl. case No 57
of 17-18 on the file of the
Amildar Court, Madigere
Taluk, was on 5th Nov. 1917
convicted under SS 457 &
380 I.P.C & sentenced to
suffer rigorous imprison-
ment for 4 months & to
pay a fine of Rs 50 and
in default to undergo
additional rigorous im-
prisonment for one month.
The accused was sent
to Central Jail Bangalore
for undergoing the sentence.

2. On 15th Dec 1917, a
Warrant for the recovery
of the fine amount imposed
by the Amildar Magistrate
of Madigere and forwarded
for execution to the Dist.
Magte. Hasoden as the
accused belonged to Hukeri,

List of enclosures.

Copied by

Examined by

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

71.1.

Manjarabad Dalut. The warrant did not however specify the particulars of the Subordinate Officer and the name of the Jail in which the Prisoner was confined as required by G.O. No 2035-44 GS 7-14-8 dt 5-1-1915. The fine was recovered by the Police of the Manjarabad Dalut on 12-2-1918 from the wife of the prisoner and credited to the Treasury the next day. Owing to the circumlocutory procedure in vogue in this Dt., the warrant was returned through the Dt. Magistrate of Hassan & Kadur, with the result that could it reached the Addl Magte of Mudigere on the 7th March 1918

3/

i.e. 3 days after the expiry of the substantive sentence passed on the prisoner. Intimation of the recovery of the fine was not even then sent to the Supdt, Central Jail, with the consequence that the prisoner unnecessarily suffered the whole of the additional imprisonment of one month, and was released on the 4th April 1918

3. The fine was recovered nearly 3 weeks before the expiry of the substantive sentence, and it cannot therefore be said that the omission in the

3. The omission to specify the particulars of the substantive sentence in the fine levy warrant contributed to the over-detention of the prisoner.

GUB—15,000—13-11-11

Subject to ... may be obtained D.W. 9/3

is regrettable: & the replies of the Judicial Remembrancer who prepared the warrant that he was not aware of the Standing order on the subject should be accepted. But as

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

4. The Govt. considers that the person primarily responsible for the omissions which led to the over detention was the Asstt. Magistrate, Mr. G. Narasimayya. As the presiding officer of the Court, he should have seen that warrants were prepared correctly and issued in time and that recoveries of fines were duly intimated to the Jail authorities concerned. His explanation is inadequate and unsatisfactory. The Govt. are constrained to observe that his conduct in the present case deserves severe censure and to direct that his promotion to the next higher grade

that amidst his multifarious duties he was unable to notice the omission in the warrant

of Amildars be deferred for six months when it falls due.

5 Sreenivasa Rao, the gumastha who received the warrant after its return, ought to have seen to the necessity for giving immediate intimation to the Jail authorities of the fact of the levy of the fine. His explanation that he was misled by the omission of particulars in the warrant cannot be accepted. Court direct officials to be fined for neglect of duty. The Dist. Magistrate is requested to take necessary action in this matter.

6 Separate orders will issue on the general

Generally as it is his duty to refer to the original records in all such cases.

Ten rupees for his negligence.

GPB—15,000—13-11-11

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

question of minimising
the Round about corres-
pondence in such matters.

Chief Secy Govt

The Dist. Magte., Kadur

Dist. returning the enclo-
sure.

Copy to the Revenue Secretariat.

AM
HB